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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,293	10/09/2001	Truels Stern Larsen	P67157US0	4934

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EXAMINER

BROWN, MICHAEL A

ART UNIT	PAPER NUMBER
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3764

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/926,293

Applicant(s)

LARSEN ET AL.

Examiner

Michael Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9-13,15,17-19 and 21-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-27 is/are allowed.
- 6) ☒ Claim(s) 1,3-6,9-13,15,17,21,23 and 24 is/are rejected.
- 7) ☒ Claim(s) 7,18,19 and 22 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-6, 9, 11-13, 17, 21 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daneshvar in view of Dobos, along with Malloui.

Daneshvar discloses in figures 5-6 a pressure relieving dressing for a wound comprising an absorbent element 42 (made of gauze), a substantially non-absorbent pressure distributing element 45, made of a material that distributes both static pressure and sudden impacts (col. 14, lines 5-11), the absorbent element is part of a skin contacting surface (fig. 6, shows the absorbent element being located to touch the skin), being encircled by and inset within the pressure distributing element (fig. 6) and extending partly through the thickness of the pressure distributing element (the entire absorbent element extends partially through the thickness of the pressure distributing element in figure 6). The surface of the dressing brought in contact with the skin shows adhesive properties is a function that the absorbent material is capable of performing. However, Daneshvar doesn't disclose the absorbent element being situated eccentrically with respect to the pressure distributing element, the absorbent element being made of polyurethane, the pressure distributing element being made of an elastomer, a top layer covering the dressing, the absorbent layer including an

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antimicrobial agent or the pressure distributing element being elliptical in shape or the pressure distributing element having indentations. Dobso teaches in figure 7 pressure relieving dressing comprising a non-absorbent pressure distributing element 40, an absorbent element 44, that can be situated eccentrically with respect to the pressure distributing element (col. 11, lines 45-49). The pressure distributing element is made of a synthetic polymer (an elastomer), that is polyurethane (col. 10, lines 57-59). The absorbent element is made of polyurethane (col. 7, lines 13-16) and a surface coated polyethylene (col. 7, line 16). The dressing includes a top layer 42 that forms a flange (the outer edge of 42) that encircles the skin contact portion of the absorbent element and the pressure. The absorbent element includes an antimicrobial agent (col. 11, lines 45-48) and the dressing may be any shape (col. 11, lines 34-36). It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the absorbent element disclose by Daneshvar and taught by could be situated eccentrically to the pressure distributing element as taught by Dobos in order to perform certain application or be able to locate the absorbent element away from the center line of the pressure distributing element. The pressure distributing element disclosed by Daneshavar could be made of polyurethane as taught by Dobos because it is a durable material. The absorbent material disclosed by Daneshavar could be fabricated of polyurethane as taught by Dobos because it is a durable, absorbent material. The flange as taught by Dobos could be used to protect the pressure distributing element and the absorbent element. The dressing could be any shape as taught by Dobos because the shape is not critical. The antibiotic agent as taught by Dobos could be

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incorporated into the absorbent material disclosed by Daneshavar to prevent germs from forming on the skin contacting portion of the absorbent material. For the sake of argument, Malloui teaches in figures 1-2 a pressure dressing comprising an absorbent element 3 that extends partially through a pressure distributing element (2,2). The pressure distributing elements having indentations (fig. 3). It would have been obvious to one having ordinary skill in the art to form the absorbent material disclosed by Daneshvar partially through the thickness of the pressure distributing element as taught by Malloui in order to provide a stronger, durable connection between the absorbent element and the pressure distributing element.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims above, and further in view of Flam.

Flam teaches in figures 1 a pressure dressing comprising a pressure indicator (col. 3, lines 3-6). It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the pressure indicator as taught by Flam could be incorporated into the dressing disclosed by Daneshavar and taught by Dobos and Malloui in order to be able to signal changes in the amount of pressure applied to the dressing over the wound.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims above, and further in view of Marcussen.

Marcussen discloses in figure 1 a dressing comprising beveled edges 4. It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the dressing disclosed by Daneshvar and taught by Dobos, along with

Malloui could be fabricated with beveled edges as taught by Marcussen in order to use the beveled edges to grip the outer edge of the dressing when pulling the dressing off of a wound or incision.

Allowable Subject Matter

Claims 7, 18-19 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 25-27 are allowed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dauerkompresse discloses a pressure relieving dressing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Brown whose telephone number is 571-272-4972. The examiner can normally be reached on 5:30 am-4:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gergory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Brown
February 24, 2006

A handwritten signature in black ink, appearing to read "Michael A. Brown". The signature is fluid and cursive, with a long horizontal stroke at the end.

MICHAEL A. BROWN
PRIMARY EXAMINER